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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

SECURITY COUNCIL
Forty-eighth year

Letter dated 28 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a letter from His Excellency Ernesto Leal, Minister for Foreign Affairs of the Republic of Nicaragua, informing you of the various actions taken by the Government of our country following the discovery on national territory of secret arms caches belonging to the Salvadorian guerrillas (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as an official document of the General Assembly, under agenda item 36, and of the Security Council.

(Signed) Erich VILCHEZ ASHER
Minister Counsellor
Chargé d'affaires a.i.

ANNEX

Letter dated 22 June 1993 from the Minister for Foreign Affairs addressed to the Secretary-General

The Government of the Republic of Nicaragua, consistent with its political intent not to permit the use of its territory by irregular forces to destabilize other countries, and in fulfilment of the regional undertakings entered into in respect of disarmament and illicit arms transfers, informs the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, of the various actions it has taken following the discovery on national territory of secret arms caches belonging to the Salvadorian guerrillas:

1. As you correctly mentioned in your letter to the President of the Security Council dated 8 June 1993, the Government of Nicaragua, following the explosion of a secret arms cache located in the Santa Rosa repair shop, north of the city of Managua, requested the United Nations Observer Mission in El Salvador (ONUSAL) - the organ entrusted with verifying compliance with the Peace Agreement in that country - to send a delegation forthwith to conduct an on-site investigation into the circumstances surrounding these events and to confirm the destruction of the armaments found.

2. Accordingly, the national authorities, with the support of ONUSAL experts and with the collaboration of the Fuerzas Populares de Liberación - the Salvadorian guerrilla faction which has assumed total and absolute responsibility for the existence in Nicaragua of these secret caches - began an investigation which led to the determination that there were 15 premises which were being used to store arms and documents, or as safe-houses.

This war matériel was duly itemized and promptly destroyed in the presence and with the collaboration of ONUSAL experts. Immediately thereafter, a conclusive report was prepared, giving the details of the various activities carried out, and a detailed inventory of the arms, instruments and equipment found in the various caches and safe-houses; this was drawn up by the national authorities, together with the special envoys from ONUSAL.

3. The Government of the Republic of Nicaragua considers it appropriate to underscore the promptness, diligence and transparency of the action taken in the face of this situation, as was recognized by the President of the Security Council himself in his statement of 11 June 1993 (S/25929) following consideration of the item entitled "Central America: efforts towards peace", when he said:

> "The Security Council takes note with satisfaction of the cooperation of the Government of Nicaragua in itemizing and disposing of the war matériel found."

4. The Government of Nicaragua likewise can not fail to point out that the corresponding criminal proceedings have been instituted against the various persons linked to the existence in Nicaragua of the secret war weapons. As stated in the said conclusive report, this is a criminal case which is being heard in the Managua Fifth District Criminal Court.

5. Finally, the Government of the Republic of Nicaragua ventures to reiterate that it fully supports existing regional agreements concerning subversive activities and illicit armaments transfers, such as the Procedure for the establishment of a firm and lasting peace in Central America (known as the Esquipulas II Agreement, of 7 August 1987), sections 5 and 6, respectively entitled "termination of aid for irregular forces and insurrectionist movements" and "non-use of territory to attack other States"; and the more recent preliminary mechanism on assistance, cooperation and coordination for the elimination of illicit arms traffic in Central America, signed on 16 June 1992, by the Central American security commission in San Salvador, which contains specific measures for proper compliance with the security commitments of the Esquipulas procedure.

6. Thus, to comply with these regional undertakings, the Government of Nicaragua has promulgated, in accordance with those agreements, legislation designed specifically to prevent and punish anyone who supports irregular forces or who transfers arms. Act No. 122 of 4 October 1990 adds to the Penal Code a new offence, which reads as follows:

"Addendum to the offence against the peace of the Republic

"Article 1. Add to article 546 of the Penal Code a sixth paragraph, reading as follows:

"Paragraph 6. Anyone who, within the national territory, promotes, assists or organizes foreign irregular forces, forms part thereof or uses or permits the use of national territory to instigate, assist or lend military or logistic assistance to such forces or to those organized in another country, by trafficking in, storing and transferring arms, equipment or military supplies; recruiting nationals and foreigners, billeting or training military personnel; installing and operating radio transmitters, television or radiocommunication stations or who assists or collaborates with them in any other manner, shall be liable to imprisonment from 3 to 10 years and confiscation of the arms, supplies and other property used to commit the offence."

7. Thus, by adopting domestic or international legislation; by inviting international bodies to verify the itemizing and disposal of war matériel; and by instituting criminal proceedings against those accused, the Government of the Republic of Nicaragua is demonstrating its indisputable devotion to peace and its attachment to international law, as a contribution to the peace process in the Central American region.

(Signed) Ernesto LEAL SANCHEZ
Minister for Foreign Affairs